

## FIFTY-EIGHTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Thursday, Nov. 23, 1871. }

Senate met pursuant to adjournment. Roll called. Quorum present.

Absent—Senators Broughton and Douglas.

Absent, excused—Senators Fountain and Latimer.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Message from the House by the Chief Clerk, Mr. Gallant, informing the Senate that the Speaker had signed in open session the following enrolled Senate bills, to-wit: No. 487, "An act to authorize S. A. Cook, his associates and successors, to construct over and keep a toll bridge on Mineral bayou, in Grayson county;" No. 439, "An act to exempt certain persons from serving on juries;" No. 542, "An act making an appropriation of seventeen thousand dollars for the better protection of the public buildings and archives of the State;" No. 153, "An act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts of the State,' approved August 10, 1870;" No. 154, "An act to amend an act entitled 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870."

And also informing the Senate that the House had passed with amendments Senate bills as follows: No. 405, "An act supplementary to the act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856;" No. 494, "An act to incorporate the Star Water Works Company;" and without amendments, No. 489, "An act to incorporate the Texas Live Stock Insurance Company;" No. 334, "An act to encourage the holding of industrial fairs by exempting certain property from taxation."

And also, informing the Senate that the House refuses to adopt the report of the conference committee on Senate bill No. 405.

Also, that the House had appointed Messrs. Morris, Robinson, J. F. McKee, Booty and McLean as a committee of conference on Senate amendments to House bill No. 114, "An act to incorporate the Jefferson City Street Railway Company."

## REPORTS OF STANDING COMMITTEES.

Report of Committee on Private Land Claims :

COMMITTEE ROOM, }  
Austin, Nov. 23, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 802, "An act to validate 'an act for the relief of the heirs of Henry Roberts, deceased,' approved November 10, 1866," having had the same under consideration, instruct me to report the bill back to the Senate and recommend its passage.

G. T. RUBY, Chairman.

Report read and laid over under the rules.

Report of the Committee on Internal Improvements :

COMMITTEE ROOM, }  
Austin, Nov. 23, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on Internal Improvements have had under consideration a bill (Senate bill No. 579) to be entitled "An act to incorporate the Colorado and Post Oak Island Railroad Company," and instruct me to report the same back, with the recommendation that it do pass.

W. H. PARSONS, Chairman.

Report and bill read first time and laid over under the rules.

Senator Ruby submitted the following majority report of the select committee appointed to investigate the charges preferred against J. C. DeGress, Superintendent of Public Instruction :

COMMITTEE ROOM, }  
Austin, Nov. 21, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your select committee, to whom was referred Senate resolution, to-wit :

### RESOLUTION.

WHEREAS, Certain grave charges affecting the official conduct of the Superintendent of Education, J. C. DeGress, have been publicly made by one S. A. Waldron, ex-Supervisor of Education for the Thirty-first District; and

Whereas, from such charges a certain public sentiment is endeavored to be created adverse to the educational interests of the State; therefore, be it

*Resolved*, That a select committee of five be appointed by the President of the Senate to inquire into these charges, and that said committee is authorized to send for persons and papers, and report the result of their investigation to this body :

Have, in accordance therewith, sent for persons and papers with reference thereto, from various parts of the State, and have rigidly examined and scrutinized each statement and paper to obtain a scintilla of evidence corroborating the allegations affecting the Superintendent of Public Instruction ; but among the mass of testimony taken by your committee, and the array of documentary evidence also presented—all of which is hereto appended and made a part of this report—your committee have been unable to find any foundation for the charges so wantonly made against said Superintendent of Public Instruction. On the contrary, your committee present in the testimony and papers herewith submitted the most complete and thorough vindication of the Superintendent of Public Instruction, and an exposition of the workings and management of the Bureau of Public Education that cannot fail of the happiest results in the interests of the public and the people of our great State. So far from the Superintendent of Public Instruction, Hon. J. C. De Gress, being actuated by partisan or political motives in the appointment of supervisors and other school subordinates in his bureau, your committee find (*vide* the testimony of Judge W. G. Nolan, Supervisor of the First District ; Dr. J. H. Cunningham, Supervisor of the Thirty-first District ; Prof. J. H. Townsend, Supervisor of the Thirty-third District ; W. D. Carey, Supervisor of the Twenty-second District ; Sam. Houston, Supervisor of the Thirty-fourth District ; Col. T. H. Sharp, Principal of Schools and School Examiner of Waco, and Col. Briscoe G. Baldwin, School Examiner), that not only were these gentlemen asked no questions respecting their political status on their appointment, and have never been counseled in anywise since, but in the case of some of them, they were and are known to be the political opponents of the Superintendent of Public Instruction. The testimony of the school book publishers, A. S. Barnes & Co., of New York, through their agent, A. H. Wilkins, together with that of the book depositors, Messrs. E. H. Cushing of Houston, W. W. Gamble of San Antonio, and Baker and Raymond with Messrs. Slocumb and Thompson, of Austin, each and severally disprove the charge, or shadow of a suspicion, that under any circumstances could the Superintendent of Public Instruction have aught to do with the sale of school books. The rules of the Board of Education, also appended and made a part of this report, together with the evidence in this regard embraced herein, disprove in the most direct and pos-

itive manner the possibility of collusion between the various supervisors of public instruction and Superintendent De Gress for base purposes, either in the renting of school houses or the future building of the same. The testimony of Captain Frank Britton, Private Secretary to his Excellency the Governor, and Henry Scott, porter for the executive office, both plainly evidence an inaccuracy of statement as to *place* of interview alleged in the testimony of the witness, S. A. Waldron, as also the additional testimony of Major C. B. Owsley and E. C. Bartholomew the *circumstances* attendant on said interview. With the self-gratulation of the accusant as to the flourishing condition of the schools in his district up to the time of his resignation, your committee are reminded of and point to the issue of fact that arises between said statement and the evidence before us in the testimony of Dr. J. H. Cunningham and the papers thereto appended, as also that of Major Owsley and accompanying papers.

Concluding, your committee regret the apathy with which the public mind receives infamous charges against trusted public officers, and therefore cannot too strongly reprobate whatever tends to sap and undermine public confidence in republican institutions as evidenced in this instance. The public vindication of Superintendent De Gress, by the investigation of your committee into the conduct of his office, cannot fail, in part, to recompense that officer for the libel endured, but the remedy in all such cases should lie in an appeal to the courts of our State, which, however, cannot now under our laws adequately punish irresponsible persons who are the more apt to utter libels. Our laws should be amended so that infamous libels might be punished the same as other crimes against the morals of the community.

Respectfully submitted,

G. T. RUBY,  
W. A. SAYLOR,  
THOS. H. BAKER.

Report read and laid over under the rules.

On motion of Senator Ruby, three hundred copies of the report and accompanying documents were ordered to be printed for the use of the Senate.

Senator Ruby submitted the following report of the Committee on Engrossed Bills:

COMMITTEE ROOM, {  
Austin, Nov. 23, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and

find correctly engrossed Senate bill No. 519, "An act to aid the available school fund in placing on a sound and durable foundation and maintaining a system of public free schools, and to authorize the negotiation of a loan for that purpose."

Respectfully,

G. T. RUBY, Chairman.

Report read and received.

11 o'clock A. M.

### SPECIAL ORDER,

Viz.: Substitute Senate bill No. 395, "An act supplementary to and amendatory of an act entitled 'an act to provide for the registration of voters,' approved July 11, 1870."

Bill read second time.

Senator Douglas moved to go into a committee of the whole.

Senator Ruby moved a call of the Senate. Call sustained.

Absent, unexcused—Senators Dohoney, Pridgen and Tendick.

Substitute Senate bill No. 395 laid over under the rules until the Senate should be full.

On motion of Senator Pickett, the rules were suspended to take from file House bill No. 936, "An act to regulate the practice in the Supreme Court." Read first time and referred to the Committee on Judiciary.

Senator Dohoney moved to suspend the rules to take from file House bill No. 885, "An act amendatory of sections twenty-eight and thirty-one of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871."

Yeas and nays called for and the Senate refused to suspend the rules by the following vote:

Yeas—Bowers, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Pyle—8.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Pridgen, Rawson, Ruby, Saylor, Shannon, Swift, Tendick—16.

Under direction of the President the Secretary returned to the House the following House bills passed by the Senate: No. 817, "An act authorizing and requiring the Commissioner of the General Land office to issue patent upon certificate No. 169 to the heirs or assignees of John Pate;" No. 840, "An act to incorporate the Casino Society of Yorktown."

Also, transmitting for concurrence of the House the following Senate bills: No. —, "An act to incorporate the Mechanics' Building Association of Jefferson, Texas;" No. 529, "An act supplementary to and amendatory of an act entitled 'an act to organize

and maintain a system of public free schools in the State of Texas,' approved April 24, 1871;" No. 534, "An act for the relief of Ezekiel W. Cullen;" No. 535, "An act to amend section eight of 'an act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty of an act to incorporate the Waco Tap Railroad Company;" No. 562, "An act to incorporate the North Texas Land Company;" No. 574, "An act to amend an act entitled 'an act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county,' passed August 2, 1870."

By leave Senator Mills submitted the following report of the Committee on Finance:

COMMITTEE ROOM, }  
Austin, Nov. 22, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 729, entitled "An act amendatory of and supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," after careful consideration, instruct me to report the same back and recommend its passage with the accompanying amendments.

Respectfully,

W. A. SAYLOR, Chairman.

Amendment of Senate Finance Committee to House bill No. 729: Amend by inserting after the word "dollars," in line thirty-six, section one, the words "in towns where the inhabitants are ten thousand or more, and two dollars and fifty cents where the inhabitants are less than ten thousand."

Senator Mills moved to suspend the rules to consider the report and bill. Lost.

The Senate being full, the consideration of substitute Senate bill No. 325 was resumed.

Senator Douglas moved that the Senate go into Committee of the Whole to consider the bill.

Yeas and nays called for and the motion carried by the following vote:

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pettit, Pridgen, Pyle, Shannon, Swift—13.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pickett, Rawson, Ruby, Saylor, Tendick—12.

[Senator Douglas called to the chair.]

Senator Ruby moved that the committee arise, report progress and asked to be discharged. Carried.

## IN SENATE.

[President Flanagan in the chair.]

Senator Douglas, chairman of the Committee of the Whole, reported progress and asked to be discharged.

Report adopted and the committee discharged.

Consideration of substitute Senate bill No. 395 :

Senator Pickett offered the following amendment: Amend section one line six by inserting after the word "Governor" the words "by and with the advise and consent of the Senate."

Senator Baker moved to reject the amendment.

Senator Douglas moved a call of the Senate. Called sustained.

Absent, unexcused—Senator Broughton.

Senator Broughton appeared and answered to his name.

Call suspended.

Consideration of substitute Senate bill No. 395 resumed :

The question being upon the motion of Senator Baker to reject the amendment offered by Senator Pickett, the yeas and nays were called for and the amendment was rejected by the following vote :

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Pyle, Shannon, Swift—11.

Senator Dohoney offered the following amendments: Amend section one, line twenty-eight, by striking out before the word "dollars" the words "twenty-five hundred" and inserting "one thousand." Also, amend same section by striking out all after the word "Governor," in line thirty, and including the word "supervisor," in line thirty-four. Amend same section, in line thirty-four, by striking out the word "four" and inserting "one."

Senator Mills moved to reject the amendments.

Yeas and nays called for, and the amendments rejected by the following vote :

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—16.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Pyle, Shannon, Swift—11.

The question being upon the engrossment of the bill,

Senator Baker moved the previous question. Previous question seconded.

The question being "Shall the main question be now put?"

Yeas and nays called for, and main question ordered by the following vote :

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—15.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Pridgen, Pyle, Shannon, Swift—12.

The main question was then put, viz.: "Shall substitute Senate bill No. 395 be now engrossed?"

Yeas and nays called for and motion to engross carried by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—16.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Pyle, Shannon, Swift—11.

By leave, Senator Pettit submitted the following report of the Committee on Public Debt:

COMMITTEE ROOM, }  
Austin, Nov. 23, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Public Debt, to whom was referred the memorial of Hon. Thomas F. McKinney, have had the same under careful consideration, and unanimously instruct me to report favorably and recommend the passage of accompanying bill of relief.

Respectfully,

E. PETTIT, Chairman.

Report and bill (Senate bill No. 580) "An act for the relief of Thomas F. McKinney," read first time and laid over under the rules.

Senator Hertzberg asked leave to withdraw from the hands of the Judiciary Committee the documents accompanying Senate bill No. 86, "An act for the relief of José Maria Rodriguez."

There being no objection, leave was granted.

On motion of Senator Mills the rules were suspended to take from file Senate joint resolution No. 46, "Joint resolution prescribing the duties of the Inspector of the State Penitentiary." Read third time, passed and sent to the House for concurrence.

On motion of Senator Parsons the rules were suspended to take from file Senate concurrent resolution No. 10, "Concurrent resolution in relation to the centennial celebration of the anniversary of the declaration of independence." Read first time and passed to a second reading.

On motion of Senator Parsons the rules were further suspended,



and Senate concurrent resolution No. 10 was read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Parsons the rules were further suspended, and Senate concurrent resolution No. 10 was read a third time and passed.

Senator Pridgen offered the following resolution :

*Resolved*, That the Secretary be authorized to issue his certificate for *per diem* pay to Ephraim Mashock, Eli Green, John Goodwin and Henry Mitchell for the ten days on which they were employed by the Sergeant-at-Arms in preparing the Senate Chamber for the present session.

Resolution read, and on motion of Senator Broughton was referred to the Committee on Contingent Expenses.

Senator Pickett submitted the following report of conference committee on Senate bill No. 405 :

COMMITTEE ROOM, }  
Austin, Nov. 21, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

GENTLEMEN: The committee of conference, appointed by both houses to take into consideration the causes of disagreement between the two houses upon Senate bill No. 405, entitled "An act supplementary to the act entitled 'an act to establish and adopt a penal code for the State of Texas,' approved August 28, 1856," have had the same under consideration, and recommend that the House of Representatives recede from its amendment striking out section three of said bill.

Respectfully submitted,

E. B. PICKETT,  
W. H. PARSONS,  
J. S. MILLS,

Managers on the part of the Senate.

IRA H. EVANS,

Dissenting :

J. C. JENKINS,  
F. TEGENER,

Managers on the part of the House.

Report read and laid over under the rules.

On motion of Senator Cole, the rules were suspended to take from file House bill No. 177, "An act to amend an act entitled 'an act to provide for the mode and manner of conducting elections, making returns and for the protection and purity of the ballot box,' approved August 15, 1870."

Senator Ruby moved that the Senate recede from the following amendment: Amend in section one—Strike out the words "first Tuesday in August," and insert "third Tuesday in March."

Yeas and nays called for, and motion to recede carried by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pettit, Fridgen, Rawson, Ruby, Saylor, Tendick--15.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Mills, Pickett, Pyle, Shannon, Swift--12.

By leave, Senator Saylor presented the following petition of John G. Tod, for relief:

To the Honorable the Senate and House of Representatives of the Legislature of Texas:

The petition of John G. Tod, a captain in the navy of the late Republic of Texas, humbly sheweth, that he was reinstated in his rank in the Texas navy on the eighth of July, 1845, by his Excellency Anson Jones, President of the Republic of Texas, and that previous to the annexation of the Republic of Texas to the United States all the surviving officers of the navy then residing in Texas, were ordered to report to him for duty, that they might have the full benefit of the change of flags, which occurred on the nineteenth day of February, 1846.

That your petitioner did not receive any pay during the period intervening between the date of July 8 and that of February following, in the year 1846.

Your petitioner therefore prays that your honorable body would be pleased to award him the seven months' and eleven days' salary justly due him, according to the usages and customs of naval and army regulations, amounting to some fourteen hundred and seventy-two dollars.

Your petitioner feels that his having returned from the United States after building a naval force for Texas, with a considerable amount due him, and received the depreciated paper money of the Republic as gold and silver, when he could have retained what was due him, and preferred expending it for naval supplies as is a matter of record among the archives of the late Republic, and that like others received but little for his services during the impoverished days of the Republic, and now being left alone as the only surviving officer of the navy, of rank, he hopes and prays that this application will meet with your favorable consideration. And your petitioner will ever pray, etc.

JOHN G. TOD,  
Captain Navy late Republic of Texas.

Petition read and referred to the Committee on Claims and Accounts.

By leave, Senator Ruby submitted the following reports:

COMMITTEE ROOM,  
Austin, Nov. 23, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bill No. 505, "An act to incorporate the Galveston Paving Company."

G. T. RUBY, Chairman.

Report read and received.

COMMITTEE ROOM,  
Austin, Nov. 22, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 706, to be entitled "An act for the relief of Pedro Hernandez," after due consideration, find that on the first day of February, 1838, the Board of Land Commissioners of Nacogdoches county issued to said Hernandez his headright certificate for one-third of a league of land; that said certificate was located and returned in good faith to the General Land Office, but patent was not issued for the reason that said certificate had not been recommended by the examining board, the said Hernandez or his representatives having, through ignorance or neglect, failed to apply for the establishment of his rights in that regard. Your committee therefore instruct me to report the bill back to the Senate and recommend its passage.

Respectfully,

G. T. RUBY, Chairman.

Report read and laid over under the rules.

By leave, Senator Ruby introduced a bill (Senate bill No. 581) to be entitled "An act appropriating five hundred dollars to survey one league and one labor of land on the east end of Galveston Island." Read first time and referred to the Committee on State Affairs.

On motion of Senator Broughton, Senator Douglas was granted an indefinite leave of absence from the twenty-seventh instant.

On motion of President Flanagan, Senator Bell was granted an indefinite leave of absence from the twenty-sixth of November.

On motion of Senator Hall, the Senate at 12:40 P. M. adjourned to 3 o'clock P. M.

## AFTERNOON SESSION.

3 o'CLOCK P. M.

Senate met pursuant to adjournment. President Flanagan, presiding. Roll called. Quorum present.

Absent—Senators Bowers, Douglas, Parsons and Shannon.

Absent, excused—Senators Fountain and Latimer.

On motion of Senator Saylor, the rules were suspended to take from file House bill No. 938, "An act amendatory of section two of 'an act for ceding to the United States jurisdiction of certain lands in this State for public purposes,' approved December 19, 1849." Read first time and passed to a second reading.

On motion of Senator Saylor, the rules were further suspended and the bill read second time and passed to a third reading.

On motion of Senator Pyle, the rules were further suspended and the bill read third time and passed.

Under direction of the President, the Secretary returned to the House the following House bill, informing them that the Senate had receded from its amendment: House bill No. 177, "An act to amend an act entitled 'an act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box,' approved August 15, 1870."

Also, transmitting for concurrence of the House the following Senate bills: No. 505, "An act to incorporate the Galveston Paving Company;" No. 554, "An act amendatory of and supplemental to an act entitled 'an act to encourage the speedy construction of a railway through the State of Texas to the Pacific ocean,' passed on the — day of May, 1871;" No. 517, "An act to incorporate the Cherokee Mining Company;" No. 576, "An act to amend the fifth and thirty-second sections of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871."

Message from the House by the Chief Clerk transmitting for concurrence the following House bills: No. 933, "An act to repeal sections one, two and three of 'an act providing for the payment of the outstanding indebtedness of the several counties,' passed July 21, 1870;" No. 934, "An act to repeal 'an act to authorize the police courts of counties to levy and collect a special tax for the repair and completion of public buildings,' passed August 5, 1870;" No. 910, "An act to amend an act entitled 'an act to incorporate the Merchants' Mutual Insurance Company,' approved September

19, 1866;" No. 838, "An act to amend 'an act to incorporate the Galveston Bay Dredging Company,' passed June 30, 1870;" No. 787, "An act to incorporate the Arrow Fast Freight and Transportation Company;" No. 53, "An act to incorporate the Brazos and Wichita Copper Mining and Manufacturing Company;" No. 949, "An act to incorporate the Waxahachie Tap Railroad Company."

And also informing the Senate that the House had passed without amendments the following Senate bills: No. 435, "An act to incorporate the town of Dresden, in Navarro county;" No. 546, "An act to incorporate the Red River Bridge Company;" No. 507, "An act in relation to county bridges;" No. 529, "An act supplementary to and amendatory of an act entitled 'an act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871;" No. 532, "An act to incorporate the Gatesville Bridge Company;" No. 574, "An act to amend an act entitled 'an act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county,' passed August 2, 1870;" and with amendments, No. 376, "An act to establish a ferry across the Sabine river at or near Red Rock, county of Upshur."

On motion of Senator Tendick, the rules were suspended to take from file Senate bill No. 546, "An act to incorporate the Red River Bridge Company," and on further motion the House amendments were concurred in.

On motion of Senator Broughton, the rules were suspended to take from file House bill No. 815, "An act permanently establishing the county seat of Menard county." Read second time and passed to a third reading.

On motion of Senator Broughton, the rules were further suspended, and House bill No. 815 read third time and passed.

On motion of Senator Cole, the rules were suspended to take from file House bill No. 690, "An act to repeal an act entitled 'an act to provide for the appointment by the Governor of certain officers to fill vacancies,' approved June 28, 1870." Read second time.

Senator Ruby moved a call of the Senate. Call sustained.

Absent, unexcused—Senator Douglas.

On motion of Senator Cole, the call was suspended.

Consideration of House bill No. 690 resumed.

Senator Mills moved to lay the bill upon the table.

Yeas and nays called for, and the motion to lay on the table lost by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Tendick—13.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hertzberg, Pickett, Pridgen, Pyle, Shannon, Swift—13.

Senator Saylor was excused from voting, having paired off with Senator Latimer, the former voting in the affirmative and the latter in the negative.

Senator Pickett moved to postpone the further consideration of the bill until 11 o'clock A. M., Monday next.

Yeas and nays called for, and the motion to postpone lost by the following vote :

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Pettit, Rawson, Ruby, Tendick—13.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Parsons, Pickett, Pridgen, Pyle, Shannon, Swift—13.

Senator Gaines moved to recommit the bill to the Committee on State Affairs.

Yeas and nays called for and the motion lost by the following vote :

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Tendick—13.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hertzberg, Pickett, Pridgen, Pyle, Shannon, Swift—13.

Senator Hall moved to indefinitely postpone the bill.

Yeas and nays called for, and the motion to indefinitely postpone lost by the following vote :

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Tendick—13.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hertzberg, Pickett, Pridgen, Pyle, Shannon, Swift—13.

Senator Pickett moved to postpone the further consideration of the bill until Saturday next at 11 A. M.

Yeas and nays called for and the bill postponed by the following vote :

Yeas—Mr. President, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hertzberg, Parsons, Pettit, Pickett, Pridgen, Pyle, Shannon, Swift—16.

Nays—Baker, Bell, Ford, Gaines, Hall, Hillebrand, Mills, Rawson, Ruby, Tendick—10.

Senator Ruby submitted the following report of the Committee on Engrossed Bills :

COMMITTEE ROOM, }  
Austin, Nov. 23, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR : Your Committee on Engrossed Bills have examined and

find correctly engrossed the following Senate bills to-wit: Senate bill No. 517, "An act to incorporate the Cherokee Mining Company;" Senate bill No. 576, "An act to amend the fifth and thirty-second sections of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871."

Respectfully,

G. T. RUBY, Chairman.

Report read and received.

On motion of Senator Dillard, the rules were suspended to take from file House bill No. 897, "An act to release to the county of Houston the State tax for the year 1871, for the completion of a court house and jail in said county." Read first time and passed to a second reading.

On motion of Senator Dillard, the rules were further suspended and the bill read second time.

Senator Bowers offered the following amendment: Add the following, "And whereas, the court house of San Saba county was, during the past summer, entirely destroyed by a tornado;" and amend by adding the words "and San Saba" after the word "Houston" in section one.

[Senator Ruby called to the chair.]

Senator Mills offered the following amendment to the amendment, which was adopted: Whereas, the court house of the county of Madison was also destroyed by fire; therefore, amend by adding the word "Madison" after the words "Houston and San Saba" in section one.

The question then recurring on the adoption of the amendment offered by Senator Bowers, the amendment was adopted as amended.

Senator Bowers moved to amend by striking out the words "in the course of erection." Amendment adopted.

Senator Mills moved to amend by striking out the words "county and sheriff" wherever they occur, and inserting in lieu thereof the words "counties and sheriffs." Adopted.

On motion of Senator Dilliard the bill passed to a third reading as amended.

On motion of Senator Mills the rules were further suspended, and the bill read the third time.

Senator Mills moved the passage of the bill.

Yeas and nays called for, and House bill No. 897 passed by the following vote:

Yeas—Mr. President, Bowers, Cole, Dillard, Dohoney, Douglas,

Evans, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick—22.

Nays—Baker, Bell, Shannon—3.

Senator Dohoney moved to suspend the rules to take from file substitute House bill No. 691, "An act to repeal sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of an act entitled 'an act regulating public printing,' approved August 13, 1870." Read third time.

Pending consideration of House bill No. 691, Senator Mills moved that the Senate stand adjourned to 10 o'clock A. M. to-morrow.

Yeas and nays called for, and motion to adjourn carried by the following vote:

Yeas—Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Ruby, Saylor—12.

Nays—Mr. President, Bowers, Cole, Dohoney, Douglas, Evans, Pickett, Pridgen, Pyle, Rawson, Swift, Tendick—12.

So the Senate at 4:20 o'clock P. M. adjourned to 10 o'clock A. M. to-morrow.

## FIFTY-NINTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Friday, Nov. 24, 1871. }

Senate met pursuant to adjournment. President Flanagan presiding. Roll called. Quorum present.

Absent—Senators Bell, Broughton, Dillard, Dohoney, Mills and Saylor.

Absent, excused—Senators Fountain and Latimer.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

## PETITIONS AND MEMORIALS.

By Senator Pyle: Memorial to the Legislature concerning taxes. Read first time.

On motion of Senator Parsons the memorial was referred to the Committee on State Affairs.

## REPORTS OF STANDING COMMITTEES.

Report of Committee on State Affairs: